## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

JOSEPH J. BELILE,

Plaintiff,

-against-

9:11-CV-0092

C.O. GRIFFIN, et al.,

Defendants.

THOMAS J. McAVOY Senior United States District Judge

## **DECISION & ORDER**

This action, brought pursuant to 42 U.S.C. § 1983, was referred by this Court to the Honorable David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation have been filed.

In a Report-Recommendation dated February 12, 2013, Magistrate Judge
Peebles recommended that Defendants' motion for summary judgment be granted for
failure to exhaust administrative remedies, and that Plaintiff's amended complaint be
dismissed in its entirety, including any asserted claims against Defendant John Doe #1.
Further, this Court was notified that Plaintiff was released to parole on December 21,
2012. This Court's efforts to send Plaintiff a copy of the Report-Recommendation
failed, and Plaintiff has failed to update his address with this Court pursuant to Local
Rule 10.1. After examining the record, this Court has determined that the ReportRecommendation is not subject to attack for plain error or manifest injustice.
Accordingly, this Court adopts the Report-Recommendation for the reasons stated
therein.

For the foregoing reasons, the Court ADOPTS the Report-Recommendation in its entirety. It is therefore ordered that Defendants' motion for summary judgment is GRANTED and Plaintiff's amended complaint is DISMISSED in its entirety.

## IT IS SO ORDERED.

Dated: March 27, 2013

Thomas J. McKvoy
Senior, U.S. District Judge